



Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional)  GP-303297								
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>1-30-06</u></p> <p>Signature <u>John A. Miller</u></p> <p>Typed or printed name <u>John A. Miller</u></p>		<p>In re Application of <b>Craig S. Gittleman et al.</b></p> <table border="1"> <tr> <td>Application Number <b>10/706,320</b></td> <td>Filed <b>11-12-03</b></td> </tr> <tr> <td colspan="2">For <b>HYDROGEN PURIFICATION PROCESS USING PRESSURE SWING ADSORPTION FOR FUEL CELL APPLICATIONS</b></td> </tr> <tr> <td>Art Unit <b>1724</b></td> <td>Examiner <b>Robert H. Spitzer</b></td> </tr> </table>	Application Number <b>10/706,320</b>	Filed <b>11-12-03</b>	For <b>HYDROGEN PURIFICATION PROCESS USING PRESSURE SWING ADSORPTION FOR FUEL CELL APPLICATIONS</b>		Art Unit <b>1724</b>	Examiner <b>Robert H. Spitzer</b>		
Application Number <b>10/706,320</b>	Filed <b>11-12-03</b>									
For <b>HYDROGEN PURIFICATION PROCESS USING PRESSURE SWING ADSORPTION FOR FUEL CELL APPLICATIONS</b>										
Art Unit <b>1724</b>	Examiner <b>Robert H. Spitzer</b>									
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.</p>										
<p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))</p>		<b>\$ 500.00</b>								
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <b>\$ _____</b></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <b>additional</b></p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>501612</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p>										
<p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p>										
<p>I am the</p> <table border="1"> <tr> <td><input type="checkbox"/> applicant/inventor.</td> <td><u>John A. Miller</u> Signature</td> </tr> <tr> <td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td> <td><u>John A. Miller</u> Typed or printed name</td> </tr> <tr> <td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>34,985</u></td> <td><b>(248) 364-4300</b> Telephone number</td> </tr> <tr> <td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.</td> <td><b>1-30-06</b> Date</td> </tr> </table>			<input type="checkbox"/> applicant/inventor.	<u>John A. Miller</u> Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>John A. Miller</u> Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>34,985</u>	<b>(248) 364-4300</b> Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.	<b>1-30-06</b> Date
<input type="checkbox"/> applicant/inventor.	<u>John A. Miller</u> Signature									
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<u>John A. Miller</u> Typed or printed name									
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>34,985</u>	<b>(248) 364-4300</b> Telephone number									
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.	<b>1-30-06</b> Date									
<p><b>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</b></p>										
<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>										

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

02/03/2006 MAHMEED1 00000058 10706320

01 FC:1401

500.00 DP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEB 02 2006

Effective on 07/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

**Complete if Known**

Application Number	10/706,320
Filing Date	11-12-03
First Named Inventor	Craig S. Gittleman
Examiner Name	Robert H. Spitzer
Art Unit	1724
Attorney Docket No.	GP-303297

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 501612 Deposit Account Name: Warn, Hoffmann, Miller & LaLone, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES**Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Small Entity

<u>Fee (\$)</u>	<u>Fee (\$)</u>
50	25
200	100
360	180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
---------------------	---------------------	-----------------	----------------------

<u>Multiple Dependent Claims</u>	
----------------------------------	--

- 20 or HP = <u>0</u> × <u>=</u>	
----------------------------------	--

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
----------------------	---------------------	-----------------	----------------------

<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
-----------------	----------------------

- 3 or HP = <u>0</u> × <u>=</u>	
---------------------------------	--

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
---------------------	---------------------	---	-----------------	----------------------

- 100 = <u>0</u> / 50 = <u>(round up to a whole number)</u> × <u>=</u>	
--	--

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief Filing feeFees Paid (\$)\$500.00**SUBMITTED BY**

Signature	<u>John A. Miller</u>	Registration No. 34985 (Attorney/Agent)	Telephone (248) 364-4300
Name (Print/Type)	John A. Miller		Date <u>1/30/06</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.